

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROY R. GALLEGOS,

Plaintiff,

v.

RONALD HAYNES,

Defendant.

CASE NO. C22-5506 JCC

ORDER

The Court, having reviewed Petitioner's petition for writ of habeas corpus, Respondent's answer to the petition, the Report and Recommendation ("R&R") of United States Magistrate Judge Michelle L. Peterson, Petitioner's objections to the R&R,<sup>1</sup> and the remaining record, and finding oral argument unnecessary, hereby finds and ORDERS:

(1) The Report and Recommendation (Dkt. No. 10) is approved and adopted.

(2) Petitioner's petition for writ of habeas corpus (Dkt. No. 3) and this action are

DISMISSED, with prejudice, as untimely under 28 U.S.C. § 2244(d).

(3) In accordance with Rule 11 of the Rules Governing Section 2254 in the United States

<sup>1</sup> In his objections, Petitioner reiterates his claim that the statute of limitations should have been tolled pending resolution of his state application for collateral review. (Dkt. No. 11.) Not only is this claim unsupported by the record, but even if it were true, the statute of limitations would have run its course during the time period from November 17, 2016, when his first state petition was resolved until December 5, 2019, when he filed a successive state petition. (*See* Dkt. No. 7-1 at 112–117.)

District Courts, a certificate of appealability is DENIED.

(4) The Clerk is directed to send copies of this Order to Petitioner, to counsel for Respondent, and to the Honorable Michelle L. Peterson.

DATED this 12th day of December 2022.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE